

**Part C State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

South Dakota, Birth to 3 Connections program – Part C obtained broad stakeholder input from the state when developing the State Performance Plan (SPP). This included:

- Collaboration with Part C Birth to 3 Connections state staff, Mountain Plains Regional Resource Center and Special Education Program Consultant to provide technical assistance on the process of developing the State Performance Plan.
- Input from Service Coordinators at the Service Coordinators Training in October 2005.
- Input from the State Interagency Coordination Council and additional individuals who comprised the Stakeholder Group that worked collaboratively with the State Lead Agency (Department of Education) to develop the SPP. Thirty members attended the Stakeholder meeting on October 20, 2005 from a variety of different areas such as Early Head Start, Division of Insurance, Early Intervention Provider, Parents, Parent Connections, Department of Health, Personnel Preparation, Prevention Provider, Medicaid, State Homeless, State Foster Care/Child Protection Services, Children's Mental Health, Child Care Services, Regional program contractors, Birth to 3 Connections Service Coordinators, Education Cooperative, Council of Administration of Special Education (CASE), Part B, Mountain Plains Regional Resource Center, Special Education Program Consultant and Part C staff.
- A copy of the State Performance Plan was shared with the members after the Stakeholder meeting and the Interagency Coordinating Council for additional comments and changes.
- On November 3, 2005, the Part C State Performance Plan was made available for public comments through the Department of Education website <http://doe.sd.gov/oess/Birthto3/index.asp>. The following papers in the state made available the DOE website concerning the SPP plan: Sioux Falls – Argus Leader, Aberdeen-American News, Huron - Plainsman, Pierre – Capitol Journal, Rapid City Journal, Flandreau – Lakota Dakota Journal and with South Dakota Parent Connection - The Circuit.
- The website with the State Performance Plan was shared with local applicant areas and service coordinators.
- Hard copies were made available for any individual making a request for one through the Department of Education website.

The State Performance Plan has been disseminated in the following ways:

- Make available on the Birth to 3 Connections website - <http://doe.sd.gov/oess/Birthto3/index.asp>
- Provide the website for accessing the State Performance Plan to the members of the Stakeholders including the Interagency Coordinating Council, regional contract areas, service coordinators, and providers
- South Dakota Parent Connection announced publication of the Part C State Performance Plan on the Birth to 3 Connections website in the newsletter "The Circuit" so parents can access it.
- Hard copies were made available for any individual making a request for one though the Birth to 3 Connections program.

**Note to the reader:**

***January 2007 Revisions are included in italics font.***

**January 2008 Revisions are included in red font.**

**Part C State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Early Intervention Services In Natural Environments**

**Indicator 1:** Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:**

Percent = [(# of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner) divided by the (total # of infants and toddlers with IFSPs)] times 100.

Account for untimely receipt of services.

**Overview of Issue/Description of System or Process:**

In South Dakota, Birth to 3 Connections defines timely services as services beginning within 30 calendar days from the date the parent signs the Individualized Family Service Plan (IFSP).

However, Birth to 3 Connections strongly encourages that services start the day of the IFSP meeting or within the week or month depending on what frequency of services was decided by the IFSP team. For example, services provided weekly should begin within seven days and services provided monthly would begin within 30 days unless otherwise designated by the IFSP team.

Only those delays related to family issues are acceptable. These delays must be documented. Delays related to systems issues are unacceptable.

Every IFSP written in South Dakota is sent to the Part C State office and service information is encoded into the Birth to 3 Connections data system. The data system allows for the IFSP date to be entered. The initiation dates of services are captured through data analysis by comparing the initial billing date and the service start date on the IFSP.

**Baseline Data for FFY 2004 (2004-2005):** 89 percent of infants and toddlers with IFSPs received the early intervention services on their IFSPs in a timely manner.

**Discussion of Baseline Data:** The Birth to 3 Connection program reviewed 4 months of data (January 01- April 30 2005) comparing the date of the IFSP meeting and the date of the first billing of each service on the IFSP. 89 percent of infants and toddlers with IFSPs received the early intervention services on their IFSPs in a timely manner. The data show there was 17 children (out of 151) that had initial services provided past the 30 day time frame.

In the Office of Special Education Program (OSEP) response to South Dakota's Part C 2003-2004 APR, OSEP indicated that the state did not include data to support the conclusion that all services needed by the child and family were included on the IFSP. Data to support this conclusion are provided in Table 1 and 2. This data was determined through record review conducted while during monitoring visits during July 2004-July 2005 ensures that all needed services are included on IFSPs.

Randomly selected records were reviewed in three regional sites tracking evaluation data to confirm that early intervention services are on the IFSP.

The data obtained are included in Tables 1 indicating that 100 percent of all records reviewed documented that “all services needed by the child and family were included on the IFSP”.

Parent survey data included in Table 2 supports this conclusion as well showing the response rate to be 100 percent for “early intervention services provided” and “services at the same frequency and intensity”.

**Table 1**

Monitoring results July 2004-July 2005	H.Land	3 River	Hub	% Compliance
Early Intervention records reviewed (30% of child count)	9 records	14 records	31 records	
Response				
All needed services are on the IFSP	9	14	31	100%

**Table 2**

Parent Interviews	3		4		5		% Compliance
Response	Y	N	Y	N	Y	N	
All needed early intervention services are provided	3	0	4	0	5	0	100%
Continuous services at same frequency/intensity	3	0	4	0	5	0	100%

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	<b>100 percent of infants and toddlers with IFSPs will receive the early intervention services on their IFSPs in a timely manner.</b>
<b>2006</b> (2006-2007)	<b>100 percent of infants and toddlers with IFSPs will receive the early intervention services on their IFSPs in a timely manner.</b>
<b>2007</b> (2007-2008)	<b>100 percent of infants and toddlers with IFSPs will receive the early intervention services on their IFSPs in a timely manner.</b>
<b>2008</b> (2008-2009)	<b>100 percent of infants and toddlers with IFSPs will receive the early intervention services on their IFSPs in a timely manner.</b>
<b>2009</b> (2009-2010)	<b>100 percent of infants and toddlers with IFSPs will receive the early intervention services on their IFSPs in a timely manner.</b>
<b>2010</b> (2010-2011)	<b>100 percent of infants and toddlers with IFSPs will receive the early intervention services on their IFSPs in a timely manner.</b>

**Improvement Activities/Timelines/Resources:**

ACTIVITIES	RESOURCES	TIMELINES
Revise monitoring system to allow monitoring of this indicator.	<ul style="list-style-type: none"> <li>State B-3 staff</li> </ul>	<ul style="list-style-type: none"> <li>Jan. 2006</li> </ul>
Implement monitoring of this indicator.	<ul style="list-style-type: none"> <li>State B-3 staff</li> </ul>	<ul style="list-style-type: none"> <li>March 2006</li> </ul>
Develop and disseminate a guidance document on timely services.	<ul style="list-style-type: none"> <li>State B-3 staff</li> </ul>	<ul style="list-style-type: none"> <li>Spring 2006</li> </ul>
Provide training and technical assistance for providers and service coordinators reinforcing the importance of starting services in a timely manner and definition “timely” early intervention services	<ul style="list-style-type: none"> <li>State B-3 staff</li> </ul>	<ul style="list-style-type: none"> <li>Oct. 2006 - June 30, 2011</li> </ul>
Birth to 3 Connections program will monitor programs for compliance with this indicator. When noncompliance is identified, state staff will work with the programs to determine nature of noncompliance and develop Corrective Action.	<ul style="list-style-type: none"> <li>State B-3 staff</li> </ul>	<ul style="list-style-type: none"> <li>Oct. 2005 - June 30, 2011</li> </ul>

**Part C State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Early Intervention Services In Natural Environments**

**Indicator 2:** Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children.<sup>1</sup>

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:** Percent = [(# of infants and toddlers with IFSPs who primarily receive early intervention services in the home or programs for typically developing children) divided by the (total # of infants and toddlers with IFSPs)] times 100.

**Overview of Issue/Description of System or Process:**

Each completed IFSP is reviewed by State staff and the location of services is encoded into the Birth to 3 Connections data system. The data system is designed to enter comments of any justification statements should services not be in the natural environment. Technical assistance is provided by State staff to service coordinators and early intervention providers to ensure the provision of early intervention services in the natural environment.

State monitoring occurs in each of the 9 regional programs (examples; Education Cooperatives, Easter Seals, School District) that are responsible for implementing Birth to 3 Connections locally. Regional programs have monitoring visits on a 3 year cycle.

At the local level, service coordinators during the initial home visit, inform families of services being provided in the child's natural environment such as; home, child care etc. Should the IFSP team determine that services cannot be provided in the natural environment, a justification statement must be documented on the IFSP. State Birth to 3 Connections staff review all justifications to ensure these relate to the family issues. Any concerns are followed-up with the service coordinator and every effort is made to ensure that children's services return to a natural environment as soon as possible. All IFSPs, including natural environment decisions, are reviewed by the IFSP team every 6 months.

Early intervention providers sign a provider agreement to abide by all Federal and State laws and regulations which include requirements related to serving children in natural environments. Regional programs are reviewed every 3 years by the State. The information and data are reviewed with the regional site: 30% randomly selected child files are reviewed (using the checklist form to guide the monitoring process), parent and provider interviews are completed, and a family survey is sent from the state office for families that have services in that regional area.

The State staff provides training to service coordinators and providers on natural environment settings including the family's home, child care, Head Start, relative's home, etc.

<sup>1</sup> At the time of the release of this package, revised forms for collection of 618 State reported data had not yet been approved. Indicators will be revised as needed to align with language in the 2005-2006 State reported data collections.

**Baseline Data for FFY 2004 (2004-2005):**

96% of infants and toddlers with IFSPs primarily receive early intervention services in the home, or programs for typically developing children.

**Child count information on location of services**

<i>Year</i>	<i>Total on child count</i>	<i>% being served in natural environments</i>
1999	611	97%
2000	645	97%
2001	655	97%
2002	704	96%
2003	830	97%
2004	897	96%

**Discussion of Baseline Data:**

Child count data shows that 96% of children receive services primarily in natural environments. The remainder of children have IFSPs that appropriately justify why services are not provided in natural environments.

In spite of the significant increase in the numbers of children served in Birth to 3 Connections the percentage of children receiving primary service in natural environments remains at a consistently high level.

State staff reviews all justifications to ensure these relate to the family issues. Any concerns are followed-up with the service coordinator and every effort is made to ensure that children's services return to a natural environment as soon as possible. All IFSPs, including natural environment decisions, are reviewed by the IFSP team every 6 months.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	<b>96.3% of infants and toddlers with IFSPs will receive early intervention services primarily in the home, or programs for typically developing children.</b>
<b>2006</b> (2006-2007)	<b>96.6% of infants and toddlers with IFSPs will receive early intervention services primarily in the home, or programs for typically developing children.</b>
<b>2007</b> (2007-2008)	<b>96.9% of infants and toddlers with IFSPs will receive early intervention services primarily in the home, or programs for typically developing children.</b>
<b>2008</b> (2008-2009)	<b>97.2% of infants and toddlers with IFSPs will receive early intervention services primarily in the home, or programs for typically developing children.</b>
<b>2009</b> (2009-2010)	<b>97.5% of infants and toddlers with IFSPs will receive early intervention services primarily in the home, or programs for typically developing children.</b>
<b>2010</b> (2010-2011)	<b>97.8% of infants and toddlers with IFSPs will receive early intervention services primarily in the home, or programs for typically developing children.</b>

## Improvement Activities/Timelines/Resources:

ACTIVITIES	RESOURCES	TIMELINES
<p>Examine State's data to determine age group patterns for participation in natural environments:</p> <ul style="list-style-type: none"> <li>Run and analyze data</li> <li>Share data with regional programs at Annual Fall Service Coordinator Conference</li> <li>Implement improvement strategies as necessary</li> </ul>	<ul style="list-style-type: none"> <li>State staff</li> <li>Bureau of Information and Telecommunications</li> <li>Service Coordinators</li> </ul>	<ul style="list-style-type: none"> <li>Sep 06</li> <li>Oct 06</li> <li>Oct 06 – July 07</li> </ul>
<p>Provide technical assistance on the above activities as needed.</p>	<ul style="list-style-type: none"> <li>State staff, with assistance from National Early Childhood Technology Assistance Center (NECTAC) and other technical assistance centers</li> </ul>	<ul style="list-style-type: none"> <li>Fall 2005 – June 30, 2011</li> </ul>
<p>Provide training to service coordinators on the 618 setting definitions.</p>	<ul style="list-style-type: none"> <li>State staff</li> <li>Service Coordinators</li> </ul>	<ul style="list-style-type: none"> <li>Fall 2006 - June 30, 2010</li> </ul>
<p>Birth to 3 Connections program will monitor programs for compliance related to this indicator. When noncompliance is identified, state staff will work with the programs to determine nature of noncompliance and develop Corrective Action.</p>	<ul style="list-style-type: none"> <li>State B-3 staff</li> </ul>	<ul style="list-style-type: none"> <li>Spring 2006 – June 30, 2011</li> </ul>

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*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Early Intervention Services In Natural Environments**

**Indicator 3:** Percent of infants and toddlers with IFSPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships);
- B. Acquisition and use of knowledge and skills (including early language/ communication); and
- C. Use of appropriate behaviors to meet their needs.

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:****A. Positive social-emotional skills (including social relationships):**

- a. Percent of infants and toddlers who did not improve functioning =  $[(\# \text{ of infants and toddlers who did not improve functioning}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it =  $[(\# \text{ of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who maintained functioning at a level comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .

If a + b + c + d + e does not sum to 100%, explain the difference.

**B. Acquisition and use of knowledge and skills (including early language/communication and early literacy):**

- a. Percent of infants and toddlers who did not improve functioning =  $[(\# \text{ of infants and toddlers who did not improve functioning}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .



- c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it =  $[(\# \text{ of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who maintained functioning at a level comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .

If a + b + c + d + e does not sum to 100%, explain the difference.

C. Use of appropriate behaviors to meet their needs:

- a. Percent of infants and toddlers who did not improve functioning =  $[(\# \text{ of infants and toddlers who did not improve functioning}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- b. Percent of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who improved functioning but not sufficient to move nearer to functioning comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- c. Percent of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it =  $[(\# \text{ of infants and toddlers who improved functioning to a level nearer to same-aged peers but did not reach it}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- d. Percent of infants and toddlers who improved functioning to reach a level comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who improved functioning to reach a level comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .
- e. Percent of infants and toddlers who maintained functioning at a level comparable to same-aged peers =  $[(\# \text{ of infants and toddlers who maintained functioning at a level comparable to same-aged peers}) \div (\# \text{ of infants and toddlers with IFSPs assessed})] \times 100$ .

If a + b + c + d + e does not sum to 100%, explain the difference.

### Overview of Issue/Description of System or Process:

#### ***Description of the current outcome measurement system for the state:***

In South Dakota, Part C Birth to 3 Connections program began efforts to measure improvement in the 5 developmental areas (cognitive development, physical development including gross motor and fine motor, communication development including receptive language and expressive language, social/emotional development, and adaptive development). The program has been keeping track of the test scores in the developmental areas in the state database.

The federal Office of Special Education Programs (OSEPs) response to the SD Part C 2003-2004 APR required the state to 1) Incorporate and update the data and information collected for South Dakota is previous APR; 2) Determine whether data the state was collecting related to this area will be responsive to the new SPP requirements.

The APR data are provided in the Table below for 2003 and 2004.

Years on the Program	0/7 Areas		1/7 Areas		2/7 Areas		3/7 Areas		4/7 Areas		5/7 Areas		6/7 Areas		7/7 Areas		Total	
FFY	03	04	03	04	03	04	03	04	03	04	03	04	03	04	03	04	03	04
0-1 year	0	3	0	4	3	7	1	3	6	10	13	14	24	30	34	43	81	114
1-2 years	5	3	4	4	7	6	4	13	7	22	16	25	22	19	25	24	90	116
2-3 years	6	7	4	6	6	8	8	9	10	6	7	8	9	10	13	11	63	65
Total	11	13	8	14	16	21	13	25	23	38	36	47	55	59	72	78	234	295
																	30%	26%

The state does not believe at this time the data collected are sufficient to address the SPP. Currently when a child exits the Birth to 3 Connections program, the child is tested only in the area (or areas) of concerns under Part B rules and regulations. The entry and exit data scores are compared to determine progress.

In addition, the SPP has changed the indicators and measurements for child outcomes. In order to obtain the data necessary for the SPP, South Dakota will administer a pre and post test in all 5 areas of development to all children. These data will become the baseline entry data for children who become eligible for Part B. The data will allow the Birth to 3 Connections program to calculate the number of infants and toddlers who reach or maintain functioning at a level comparable to same-aged peers, who improve functioning, and who did not improve.

***Policies and procedures to guide outcome assessment and measurement practices beginning with 2005 SPP***

South Dakota will administer a standardized test at entry and exit in all 5 areas of development to all children as they enter and exit Part C. These data become the baseline entry data for children who become eligible for Part B.

When evaluating a child entering the Birth to 3 Connections program the following procedures are followed: Two or more qualified individuals must evaluate children in each of the 5 areas of development. Two or more standard evaluation instruments must be used to complete the evaluation. The state does not specify which tools may be used but strongly encourages that one of the tools used is the Battelle Developmental Inventory-Second Edition (BDI-2). Although there is a requirement to use multidisciplinary and multifaceted test procedures to determine eligibility, the test scores from the BDI-2 will be used to provide a baseline for measuring child progress.

Measurement to address the different areas will be as follows:

- A. Positive social-emotional skills (including social relationship) will be calculated from the test scores that are received at the entry to the program and exit from the program in the areas of social/emotional development. This score will be calculated to determine the percent of infants and toddlers who reach or maintain functioning at a level comparable to same-aged peers, who improved functioning and who did not improve functioning.
- B. Acquisition and use of knowledge and skills (including early language/communication) will be calculated from the test scores that are received at the entry to the program and exit from the program in the areas of cognitive/receptive communication and expressive communication. This score will be calculated to determine the percent of infants and toddlers who reach or maintain functioning at a level comparable to same-aged peers, who improved functioning and who did not improve functioning.
- C. Use of appropriate behaviors to meet their needs will be calculated from the test scores that are received at the entry to the program and exit from the program in the areas of gross motor/fine motor/adaptive. This score will be calculated to determine the percent of infant and toddlers who reach or maintain functioning at a level comparable to same-aged peers, who improved functioning and who did not improve functioning.

All children who have entered the Birth to 3 Connections system after 3-1-06 and who will be enrolled for at least six months (e.g. enter the system prior to age 2 ½) will be assessed at least twice using the BDI-2. The pre test is administered as part of the eligibility determination process at entry and must be done within 45 days of referral. There is no strict timeline for administering the post test but it should be done fairly close to the time the child exits the system. Data for the test will be entered into the Birth to 3 Connections data system by the state Birth to 3 Connections data manager at entry and exit from the program. For the initial assessment the program will report the total number of items achieved in each outcome area as a standard deviation score. For the final entry when the child exits, the program will again enter the total number of items achieved in each outcome area as the standard deviation scores for that assessment date. The pre test data will be entered at the state office at the same time IFSP data is entered. The post test data is submitted at the end of the process on a dedicated form.

***Provision of training and technical assistance supports to administrators and service providers in outcome data collection, reporting, and use***

Using the BDI-2 with families is an outcome of service coordination training and service provider/evaluator training. Annual training will be available to new practitioners and ongoing TA will be available to early intervention providers through the South Dakota Education Service Agencies.

In February, Part B and C will collaborate to provide a statewide training for the BDI -2 in South Dakota. In January, 2006 a notice will be sent to the 168 local schools districts in the state on the change of testing requirements and the training for the BDI-2. Special Education Programs will provide training in 3 areas in the state (Brookings, Rapid City, and Pierre). In March 2006, there will be BDI-2 training at the South Dakota Council for Exceptional Children Conference. This data will provide the State the needed data for both Part B and C to address the child outcome indicators which are to provide the number of infants and toddlers who reach or maintain functioning at a level comparable to same-aged peers, who improve functioning, and who did not improve.

***Quality assurance and monitoring procedures to ensure accuracy and completeness of the outcome data.***

All data are entered into the Birth to 3 Connections data system by the State Birth to 3 Connections data manager. Prior to data entry, the State Birth to 3 Connections technical assistance staff reviews the test scores for accuracy and completeness and follow-up to verify if needed.

***Data system elements for outcome data input and maintenance, and outcome data analysis functions***

The data system has a section devoted to this endeavor. Access to the data system is only permitted with credentials assigned by the lead agency and is limited to the five Birth to 3 Connections Part C staff and the data manager within the Bureau of Information and Telecommunications dedicated to the Department of Education. The quality assurance manager with the assistance of the data manager for Birth to 3 Connections completes the statewide analysis.

**Baseline Data for FFY 2004 (2004-2005):**

While no baseline data are available at this time, the parameters/strategies for measurement are described below.

- All children with IFSPs, who are younger than 30 months of age when the first BDI-2 is completed and who receive services for at least 6 months by the time the last BDI-2 is completed.
- The state strongly recommends that the evaluators use the BDI-2. If different instruments are desired to be used then the evaluator (local school district) would need to show a cross walk on the instrument by a credited resource such as the Early Childhood Outcome (ECO) Center.

- With the caregivers' direct involvement, primary interventionists, as part of the eligibility determination process for both Part C and B will complete the assessments at both the entry and exit points in the system.
- Total standard deviation scores for each outcome will be entered into the data system. One complete set of scores will be determined and entered into the data system within 1 month of the initial IFSP and prior to exiting for children who have been in the system for at least 6 months.
- Birth to 3 Connections will use the total standard deviation scores from each outcome area for each child to analyze the change in development from the BDI-2 at entry (time 1) to the BDI-2 at exit (time 2). With the publisher we will establish age level expectations for each outcome area for ages 6 months, 18 months, 24 months, and 36 months. For each outcome area:
  - a) If scores at time 1 and time 2 are both age level expectations, then children will be counted in priority (a). If scores at entry are below age expectations, but at exit they are at age level expectations, then the children also will be counted in (a).
  - b) If scores at time 2 are higher than scores at time 1 (but not at age level expectations), they will be counted in (b).
  - c) If scores at time 2 are the same or lower than scores at time 1, then they will be counted in (c).

**Discussion of Baseline Data:**

*On March 2006, the Birth to 3 Connections program started collecting the data in all developmental areas which will be translated into the required measures for this indicator. The following information is entry data from the Battelle Developmental Inventory-Second Edition (BDI-2) for (A) positive social-emotional skills (including social relationships); (B) acquisition and use of knowledge and skills (including early language/communication); and (C) use of appropriate behaviors to meet their needs. During March 1, 2006 to June 30, 2006, Birth to 3 Connections had 162 children with BDI-2 entry scores. The total standard deviation scores from each outcome area for each child were used to determine the entry scores. The cutoff for each domain used to determine whether a child entered at age appropriate or below age appropriate is -1.5 Standard Deviations below the norm on the BDI-2 scoring chart. This cutoff was chosen because it aligns with the state eligibility criteria for qualifying for services. A score above -1.5 does not qualify a child for services.*

**March 1, 2006 – June 30, 2006**

<i>Data</i>	<i>% of children who entered at same age level as peers</i>	<i>% of children who entered below same age level as peers</i>
<i>Positive Social Emotional Skills</i>	<i>19 %</i>	<i>81 %</i>
<i>Acquisition and Use of Knowledge and Skills</i>	<i>36 %</i>	<i>64 %</i>
<i>Use of Appropriate Behavior to Meet Their Needs</i>	<i>20 %</i>	<i>80 %</i>
<i>Average</i>	<i>25%</i>	<i>75%</i>

*In order to obtain the data necessary for Indicator 3 of the SPP, South Dakota began administering the BDI-2 to all children entering the program after March 1, 2006. A post test will be given as these children exit the program. In 2008, pre test and post test scores will be compared to determine progress. The entry scores for the children between March 1, 2006 and June 30, 2006 are being used as baseline entry data. The table above indicates that overall 25% of the children entered at the same age level as peers. It is expected that the majority of children would enter below same age level as peers as the data here indicates due to the nature of serving children with developmental delays. Children without delays in any domain are not included in the data.*

*Annual training was provided to new practitioners and ongoing Technical Assistance will be available to early intervention providers. In January 2006 a notice was sent to the 168 local schools districts in the state on the change of testing requirements and the training for the BDI-2. In February 2006, Part B and C collaborated to provide a statewide training for the BDI -2 in South Dakota. Special Education Programs provided training in 3 areas of the state. In addition a fourth training will occur in September 2006.*

*This data will provide the State the needed information for both Part B and C to address the child outcome indicators on the State Performance Plan. In March 2006, the Birth to 3 Connections program began collecting the data in all developmental areas which will be translated into the required measures to determine baseline entry data.*

The following table was revised in January 2008 to clarify and align the timeline with OSEP's timeline for establishing a baseline and identifying measurable and rigorous targets. Revisions are highlighted in red.

FFY	Measurable and Rigorous Target
2005 (2005-2006)	Entry level test scores will be collected.
2006 (2006-2007)	Entry level test scores will continue to be collected. Exit test scores will be collected.
2007 (2007-2008)	Entry level test scores will continue to be collected. Exit test scores will be collected.
2008 (2008-2009)	Entry level test scores will continue to be collected. Exit test scores will be collected. Baseline established and measurable and rigorous targets identified.
2009 (2009-2010)	Data will be compared to measurable and rigorous targets to determine progress or slippage.
2010 (2010-2011)	Data will be compared to measurable and rigorous targets to determine progress or slippage.

#### Improvement Activities/Timelines/Resources:

Activities, timelines and resources will be developed after the FFY 2008 targets have been identified.

**Part C State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Early Intervention Services In Natural Environments**

**Indicator 4:** Percent of families participating in Part C who report that early intervention services have helped the family:

- A. Know their rights;
- B. Effectively communicate their children's needs; and
- C. Help their children develop and learn.

(20 U.S.C. 1416(a)(3)(A) and 1442)

**Measurement:**

- A. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family know their rights) divided by the (# of respondent families participating in Part C)] times 100.
- B. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family effectively communicate their children's needs) divided by the (# of respondent families participating in Part C)] times 100.
- C. Percent = [(# of respondent families participating in Part C who report that early intervention services have helped the family help their children develop and learn) divided by the (# of respondent families participating in Part C)] times 100.

**Overview of Issue/Description of System or Process:**

*The purpose of the family outcome survey is to assist the Birth to 3 Connections program in determining how early intervention services have helped the family: (A) know their rights; (B) effectively communicate their children's needs, and (C) help their children develop and learn. The survey data will assist the program in tailoring early intervention services and will result in positive outcomes for families as well as improved outcomes for children.*

*South Dakota used a paper-and-pencil version of the 47-item National Center for Special Education Accountability Monitoring (NCSEAM) survey. Each survey was identifiable to the local regional program. Local Birth to 3 Connections program arranged assistance and interpretation services as needed. The Special Education Programs unit contracted with Mountain Plains Regional Resource Center (MPRRC) for assistance with the data collection, data analysis, and report-writing for this indicator.*

*Survey data was collected from July 2005 through June 2006. Between July 2005 and December 2005, surveys were mailed to families leaving the Birth to 3 Connection program (either exiting the program or transitioning to Part B). Between January 2006 and June 2006, the survey was delivered in person to each exiting family by the service coordinator at the family's Transition Planning Conference. Families were asked to complete and then mail the survey; they were assured of confidentiality.*

Between July 2005 and June 2006, 675 surveys were distributed and 177 were returned for a response rate of 26.2%. Three of the nine program areas had very low response rates. A 10-item "short-form" survey was created and mailed to 104 families in these program areas. Ten of the 104 short-form surveys were completed and returned. Thus, the overall response rate is 27.7% (187/675).

In addition, the responses of the short-form surveys were compared to the responses of the original-form survey and no significant differences were found. This suggests that there is no significant difference in attitudes toward the Birth to 3 Connections program between families who responded to the survey and families who did not. However, the number of returned short-form surveys was small (i.e., 10) so it is still possible that differences do exist but that this sample size is too small to detect it.

After item results were calculated, Part C staff members reviewed the items to determine which of the 47 items related to each of the three target areas: (A) know their rights; (B) effectively communicate their children's needs; and (C) help their children develop and learn. Three items were selected for area A, six items for area B, and four items for area C. Based on the item selections, each survey respondent received a "percent of maximum" score for each target area that indicated the percentage of points the respondent "awarded" to early intervention services. A respondent who rated early intervention services a "6" (Very Strongly Agree) on each item for a given target area received a 100% score for that target area; a respondent who rated early intervention services a "1" (Very Strongly Disagree) on each item for a given target area received a 0% score. A respondent who rated early intervention services a "4" (Agree) on each item for a given target area received a 60% score for that target area.

After the item selection, Part C staff members decided where to set the cut-score for determining that early intervention services did indeed help a respondent (A) know their rights, (B) effectively communicate, and (C) help their child develop and learn. Staff members decided that a 60% cut score represented the most-appropriate cut score. A 60% cut-score is representative of a family who, on average, agrees with each item for that target area; as such, the family member is agreeing that early intervention services helped the family. The staff members did not believe it was appropriate to insist that respondents "strongly agree" (a cut score of 80%) or "very strongly agree" (a cut score of 100%) that early intervention services helped their family in order for the respondent to be counted as someone who believes that early intervention services helped them.

#### **Baseline Data for FFY 2006 (2005-2006):**

The following table shows the percentage of families who reported that they were helped on each of the target areas. 96% of the surveyed families reported that the Birth to 3 Connections program helped them know their rights; 89% indicated that the Birth to 3 Connections program helped them effectively communicate their child's needs; and 89% reported that the Birth to 3 Connections program helped them help their child develop and learn.

#### **Percentage of families who state that early intervention services have helped them:**

	<b>A. Know their rights</b>	<b>B. Effectively communicate their child's needs</b>	<b>C. Help their child develop and learn</b>
<b>2005 (2005-2006)</b>	95.6%	89.2%	89.0%

#### **Discussion of Baseline Data:**

*This first year of data collection indicates that the large majority of families believe that early intervention services have helped them know their rights, effectively communicate their child's needs, and help their child develop and learn. In fact, almost 100% of families state that early intervention services helped them know their rights. Almost 90% state that early intervention services have helped them effectively communicate their child's needs and have helped them help their child develop and learn.*

*While these three "overall" percentages provide a benchmark of the extent to which the Birth to 3 Connections program is helping families, the program has also reviewed individual item results to determine specific areas in which they can make improvements in how they communicate with, relate to, and help the families. The regional programs will be given their individual survey results so that they might also target specific areas for improved family and child outcomes.*

*The data collected this first year suggest a few concerns with the survey. First, the response rate of 27.2% is lower than desired. A higher response rate was expected given that many surveys were delivered in person to the family member by a Part C staff member. The length of the survey possibly lowered the response rate. In general, survey research has shown that the shorter the survey, the higher the response rate. The reading difficulty of the items is a second concern and might have discouraged some families completing the survey. A third concern is the high percentage of respondents who did not complete some questions. Generally, the percentage of nonrespondents on any given question should be under 5%. However, the percentage of nonrespondents on the 47 questions ranged from 2% to 53%. Any nonresponse percentage above 10% indicates a potential problem with the question.*

*Part C staff members and Stakeholders examined the wording and the length of the survey. The survey questions were reduced from 47 questions to 31. The Part C staff began using the shortened survey as of July 1, 2007. Part C staff will compare the response rate in FFY 2007 (July 1, 2007 – June 30, 2008) to that in FFY 2006 (July 1, 2006 – June 30, 2007) to determine if the revised survey generated an improved response rate. Following an analysis of the data and in collaboration with ICC/Stakeholder members, further revisions will be determined.*

The Part C staff and Stakeholders members set the following targets.

<b>FFY</b>	<b>A. Know their rights</b>	<b>Measurable and Rigorous Target</b>	
		<b>B. Effectively communicate their child's needs</b>	<b>C. Help their child develop and learn</b>
<b>2005</b> <i>(2005-2006)</i> <b>Baseline</b>	95.6%	89.2%	89.0%
<b>2006</b> <i>(2006-2007)</i>	95.8%	89.4%	89.2%
<b>2007</b> <i>(2007-2008)</i>	96.0%	89.6%	89.4%
<b>2008</b> <i>(2008-2009)</i>	96.2%	89.8%	89.6%
<b>2009</b> <i>(2009-2010)</i>	96.4%	90.0%	89.8%



# SPP Template – Part C (3)

South Dakota  
State

<b>2010</b> (2010-2011)	96.6%	90.2%	90.0%
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## Improvement Activities/Timelines/Resources:

<b>ACTIVITIES</b>	<b>RESOURCES</b>	<b>TIMELINES</b>
<i>Continuous collaboration with MPRRC consultant with the NCSEAM survey.</i>	<ul style="list-style-type: none"> <li>State staff</li> </ul>	<ul style="list-style-type: none"> <li>January 2007 – June 30, 2010</li> </ul>
<i>Continuous collaboration with ICC/Stakeholder members on revising NCSEAM survey on examining the questions and deciding if the response scale and the length of the survey needs to change to eliminate the high percentage of nonresponse.</i>	<ul style="list-style-type: none"> <li>State staff</li> <li>MPRRC Consultant</li> </ul>	<ul style="list-style-type: none"> <li>January 2007 – June 30, 2010</li> </ul>
<i>Continuous technical assistance as needed through out the year.</i>	<ul style="list-style-type: none"> <li>State staff</li> </ul>	<ul style="list-style-type: none"> <li>January 2007 – June 30, 2010</li> </ul>
<i>Provide updates and technical assistance to service coordinators on the NCSEAM survey.</i>	<ul style="list-style-type: none"> <li>State staff</li> </ul>	<ul style="list-style-type: none"> <li>January 2007 - June 30, 2010</li> </ul>
<i>Continuous tracking of the response rates and concerns in the regional areas for the purpose of trying to achieve maximum program satisfaction data.</i>	<ul style="list-style-type: none"> <li>State staff</li> </ul>	<ul style="list-style-type: none"> <li>January 1, 2007</li> </ul>

**Part C State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Effective General Supervision Part C / Child Find**

**Indicator 5:** Percent of infants and toddlers birth to 1 with IFSPs compared to:

- A. Other States with similar eligibility definitions; and
- B. National data.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

- A. Percent = [(# of infants and toddlers birth to 1 with IFSPs) divided by the (population of infants and toddlers birth to 1)] times 100 compared to the same percent calculated for other States with similar (narrow, moderate or broad) eligibility definitions.
- B. Percent = [(# of infants and toddlers birth to 1 with IFSPs) divided by the (population of infants and toddlers birth to 1)] times 100 compared to National data.

**Overview of Issue/Description of System or Process:**

As lead agency for Part C the Department of Education is responsible for Child Find in South Dakota. Through an interagency agreement, Departments of Health, Social Services, and Human Services are collaborative partners in this effort. At the regional level, Part C sponsors nine regional area programs that hire twenty-three service coordinators to receive and act on referrals. There are sixty-six counties in the state. Each service coordinator covers specific counties. There are 168 local school districts that are responsible for evaluating all children referred to determine eligibility for Part C. The service coordinator works closely with each school district to arrange evaluations. Service Coordinators also play a major role in maintaining contact with primary referral sources in their area. Special effort is made to reach out to all birthing facilities in the state including the 3 Neonatal Infant Care Units to educate staff about referrals and encourage appropriate referrals for infants. The majority of the referrals are screened by their service coordinator as part of the child find process to help the family decide whether to proceed with an evaluation. However, no referral is denied an evaluation if the parent requests one regardless of the outcome of the screening.

When a referral is received by Birth to 3 Connections and the service coordinator is helping the family decide whether they wish to move forward, a screening is completed if that has not already been done. Typically the Ages & Stages screening tool is used. For those children who have been referred from the Child Welfare system, the Ages & Stages Emotional screen is also done. Should the family decide to move forward with evaluations, the results of the screening are shared with the evaluation team and recommendations for evaluation focus are made. All development areas are evaluated and in addition the areas that show most concern in the screen are evaluated by discipline specific evaluators. i.e. social emotional concerns would be referred for evaluation by a mental health evaluator, motor concerns are evaluated by physical and/or occupational therapists.

South Dakota is one of 13 states with Moderate Eligibility Criteria.

In South Dakota, schools determine eligibility for Part C. Historically SD has served children from birth to three in need of prolonged assistance under Part B. With the advent of Part C, the school districts retained their responsibility to serve its children with more severe impairments. Prolonged assistance is defined as “children from birth through two who through a multidisciplinary evaluation, score two standard deviations or more below the mean in two or more of the following areas: cognitive development, physical development including vision and hearing, communication development, social or emotional development, and adaptive development.”

If a child's eligibility scores meet the prolonged assistance definition, they are served by schools via the Part C rules with the school having the financial responsibility. If the infants and toddlers, birth to 36 months of age are eligible under the Part C definition, Part C is financially responsible. Part C eligibility is defined as:

- 1) Performing at 25 percent below normal age range; or
- 2) Exhibiting a six-month delay; or
- 3) Demonstrating at least 1.5 standard deviation below the mean; or
- 4) Have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay such as Down's Syndrome and other chromosomal abnormalities; sensory impairments, including vision and hearing; inborn errors of metabolism; microcephaly; severe attachment disorders including failure to thrive; seizure disorders; and fetal alcohol syndrome.

A developmental delay may be manifested in one or more of the following areas:

- 1) Cognitive development;
- 2) Communication development - receptive , expressive or both;
- 3) Social or emotional development;
- 4) Adaptive development; and
- 5) Physical development including vision and hearing.

In circumstances where children are made eligible for early intervention services because of their medical diagnosis, the record must reflect a physician's statement documenting the diagnosis. Comprehensive, multidisciplinary evaluations must still be conducted.

Informed clinical opinion is used to determine eligibility when the evaluation team determines that testing instruments do not seem to address a child's developmental level. The issue of prolonged assistance becomes moot in that the child could not get accurate standardized scores so it is assumed the child will not be eligible as needing prolonged assistance. The team then does other criterion referenced tests if appropriate and/or uses their clinical experience to determine what outcomes would be appropriate for the child and what services are recommended.

**Baseline Data for FFY 2004 (2004-2005):**

- A. For Federal fiscal year (FFY) 2004 (2004-2005), South Dakota served 0.89% of infants, birth to one, with IFSPs, compared to states with moderate eligibility whose average was 0.91%.
- B. For Federal fiscal year (FFY) 2004 (2004-2005), South Dakota served 0.89% of infants, birth to one, with IFSPs, compared to the national average of 0.92%.

**Percentage of children  
birth to one served on  
December 1, 2004  
(excludes at risk)**

<b>Moderate Eligibility Criteria</b>	
<b>13 States</b>	<b>% served 2004</b>
Rhode Island	1.75%
Indiana	1.69%
Delaware	1.33%
New York	1.10%
Illinois	1.09%
<b>National Goal</b>	<b>1.00%</b>
<b>National Average</b>	<b>0.92%</b>
<b>Moderate Average</b>	<b>0.91%</b>
<b>South Dakota</b>	<b>0.89%</b>
Alaska	0.82%
Colorado	0.74%
Montana	0.67%
New Jersey	0.53%
Kentucky	0.46%
Minnesota	0.41%
Puerto Rico	0.37%

<b>Birth to One</b>	<b>2003</b>	<b>2004</b>
Estimated state population of children under the age of one based on 2000 census data	10,463	10,855
Child count for children under the age of one	70	97
Percentage of children birth to one served on December 1, 2003	0.67%	0.89%
National goal (actual achievement)	1.00% (0.97%)	1.00% (0.92%)

**Discussion of Baseline Data:**

Of the 13 states in the moderate eligibility criteria category, South Dakota ranks 6<sup>th</sup> in percentage of children served age birth to one. Seventy children out of 10,463 children in the state of this age or 0.67% had active IFSPs on December 1, 2003. This is .03% below the national goal for states as set by OSEP of serving 1% in this age group.

The FFY 2004 state data shows that South Dakota served ninety-seven children. The estimated population of children this age for 2004 is 10,855. The percentage of children served on December 1, 2004 is 0.89%. This is a significant increase from the previous year and brings the state to within 0.1% of the national goal.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	South Dakota will increase under age 1 child count to .91 percent of infant and toddlers.
<b>2006</b> (2006-2007)	South Dakota will increase under age 1 child count to .93 percent of infant and toddlers.
<b>2007</b> (2007-2008)	South Dakota will increase under age 1 child count to .95 percent of infant and toddlers.
<b>2008</b> (2008-2009)	South Dakota will increase under age 1 child count to .97 percent of infant and toddlers.
<b>2009</b> (2009-2010)	South Dakota will increase under age 1 child count to .99 percent of infant and toddlers.
<b>2010</b> (2010-2011)	South Dakota will increase under age 1 child count to 1.01 percent of infant and toddlers.

**Improvement Activities/Timelines/Resources:**

ACTIVITIES	RESOURCES	TIMELINES
Collect data on referral sources and identify gaps in outreach	<ul style="list-style-type: none"> <li>State Staff</li> <li>Service Coordinators</li> </ul>	<ul style="list-style-type: none"> <li>July 1, 2005- June 30, 2011</li> </ul>
Meet with NICU staff of Sioux Valley Hospital, Avera McKennan Hospital, and Rapid City Regional Hospital, to dialog with them about the importance of Birth to 3 Connections program for families in South Dakota and develop a protocol for referrals specific to the staff and needs of each facility.	<ul style="list-style-type: none"> <li>State staff</li> <li>State Department of Health partners</li> </ul>	<ul style="list-style-type: none"> <li>Begin March 2006 – June 30, 2011</li> </ul>
Have memorandums of understanding developed with each NICU in the state	<ul style="list-style-type: none"> <li>State staff</li> <li>State Department of Health partners</li> </ul>	<ul style="list-style-type: none"> <li>December 31, 2011</li> </ul>

## SPP Template – Part C (3)

South Dakota  
State

Identify each of the birthing facilities in the state and develop a training packet and presentation on appropriate referrals to Birth to 3 Connections.	<ul style="list-style-type: none"><li>• State staff</li><li>• Local service coordinators</li><li>• State Department of Health partners</li></ul>	<ul style="list-style-type: none"><li>• Begin July 1, 2006</li></ul>
Review and update marketing materials and website for the Birth to 3 Connections program	<ul style="list-style-type: none"><li>• State staff</li><li>• Service Coordinators</li><li>• Interagency Coordinating Council</li></ul>	<ul style="list-style-type: none"><li>• Fall 2006 – June 30, 2011</li></ul>

**Part C State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Effective General Supervision Part C / Child Find**

**Indicator 6:** Percent of infants and toddlers birth to 3 with IFSPs compared to:

- A. Other States with similar eligibility definitions; and
- B. National data.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

- A. Percent = [(# of infants and toddlers birth to 3 with IFSPs) divided by the (population of infants and toddlers birth to 3)] times 100 compared to the same percent calculated for other States with similar (narrow, moderate or broad) eligibility definitions.
- B. Percent = [(# of infants and toddlers birth to 3 with IFSPs) divided by the (population of infants and toddlers birth to 3)] times 100 compared to National data.

**Overview of Issue/Description of System or Process:**

As lead agency for Part C the Department of Education is responsible for Child Find in South Dakota. Through an interagency agreement, Departments of Health, Social Services, and Human Services are collaborative partners in this effort. At the regional level, Part C sponsors nine regional programs that hire twenty-three service coordinators to receive and act on referrals. There are sixty-six counties in the state. Each service coordinator covers specific counties. There are 168 local school districts that are responsible for evaluating all children referred to determine eligibility for Part C. The service coordinator works closely with each school district to arrange evaluations. Service coordinators also play a major role in maintaining contact with primary referral sources in their area. The majority of the referrals are screened by their service coordinator as part of the child find process to help the family decide whether to proceed with an evaluation or not. However, no referral is denied an evaluation if the parent requests one regardless of the outcome of the screening.

When a referral is received by Birth to 3 Connections and the service coordinator is helping the family decide whether they wish to move forward, a screening is completed if that has not already been done. Typically the Ages & Stages screening tool is used. For those children who have been referred from the Child Welfare system, the Ages & Stages Emotional screen is also done. Should the family decide to move forward with evaluations, the results of the screening are shared with the evaluation team and recommendations for evaluation focus are made. All developmental areas are evaluated and in addition the areas that show most concern in the screen are evaluated by discipline specific evaluators. i.e. social emotional concerns would be referred for evaluation by a mental health evaluator, motor concerns are evaluated by physical and/or occupational therapists.

South Dakota is one of 13 states with Moderate Eligibility Criteria.

In South Dakota, schools determine eligibility for Part C. Historically SD has served children from birth to three in need of prolonged assistance under Part B. With the advent of Part C, the school districts retained their responsibility to serve children with more severe impairments. Prolonged assistance is defined as "children from birth through two who through a multidisciplinary evaluation, score two standard deviations or more below the mean in two or more of the following areas:

cognitive development, physical development including vision and hearing, communication development, social or emotional development, and adaptive development.”

If a child's eligibility scores meet the prolonged assistance definition, they are served by schools via the Part C rules with the school having the financial responsibility. If the infants and toddlers, birth to 36 months of age are eligible under the Part C definition, Part C is financially responsible. Part C eligibility is defined as:

1. Performing at 25 percent below normal age range; or
2. Exhibiting a six-month delay; or
3. Demonstrating at least 1.5 standard deviation below the mean; or
4. Have a diagnosed physical or mental condition that has a high probability of resulting in developmental delay such as Down's Syndrome and other chromosomal abnormalities; sensory impairments, including vision and hearing; inborn errors of metabolism; microcephaly; severe attachment disorders including failure to thrive; seizure disorders; and fetal alcohol syndrome.

A developmental delay may be manifested in one or more of the following areas:

1. Cognitive development;
2. Communication development - receptive , expressive or both;
3. Social or emotional development;
4. Adaptive development; and
5. Physical development including vision and hearing.

In circumstances where children are made eligible for early intervention services because of their medical diagnosis, the record must reflect a physician's statement documenting the diagnosis. Comprehensive, multidisciplinary evaluations must still be conducted.

Informed clinical opinion is used to determine eligibility when the evaluation team determines that testing instruments do not seem to address a child's developmental level. The issue of prolonged assistance becomes moot in that the child could not get accurate standardized scores so it is assumed the child will not be eligible as needing prolonged assistance. The team then does other criterion referenced tests if appropriate and/or uses their clinical experience to determine what outcomes would be appropriate for the child and what services are recommended.



**Baseline Data for FFY 2004 (2004-2005):**

- A. For Federal fiscal year (FFY) 2004 (2004-2005), South Dakota served 2.84% of infants, birth to three, with IFSPs, compared to states with moderate eligibility whose average was 2.87%.
- B. For Federal fiscal year (FFY) 2004 (2004-2005), South Dakota served 2.84% of infants, birth to three, with IFSPs, compared to the national average of 2.24%.

**Percentage of all children under the age of three receiving services 12/1/2004 (excludes at-risk)**

<b>Moderate Eligibility Criteria</b>	
New York	4.26%
Indiana	4.20%
Rhode Island	3.56%
Delaware	3.07%
Illinois	2.86%
<b>South Dakota</b>	<b>2.84%</b>
<b>Moderate Avg</b>	<b>2.87%</b>
<b>National Avg</b>	<b>2.24%</b>
Kentucky	2.29%
New Jersey	2.21%
Alaska	2.02%
<b>National Goal</b>	<b>2.00%</b>
Puerto Rico	1.80%
Colorado	1.70%
Montana	1.53%
Minnesota	1.50%

<b>Birth to Three</b>	<b>2003</b>	<b>2004</b>
Estimated state population of children under the age of three based on 2000 census data	31,183	31,624
Child count for children served under the age of three	830	897
Percentage of children served birth to three	2.66%	2.84%
National goal (actual achievement)	2% (2.23%)	2% (2.24%)

**Discussion of Baseline Data:**

Of the 13 states in the moderate eligibility criteria, South Dakota ranks 6<sup>th</sup> in percentage of children served age birth to three. 897 children out of 31,624 in the state of this age or 2.84 % had active IFSPs on December 1, 2004. This is 0.60% above the national average of children served in 2004. It is 0.84% above the national goal for states as set by OSEP.

Since 1992 when child count was first reported to OSEP our numbers have grown from 260 active IFSPs on the December 1 child count to 897 counted on December 1, 2004. Over these thirteen years the state's child count numbers have increased an average of 9% per year.

With the implementation of the CAPTA efforts we expect an above average increase for 2005 considering both the average increase and the increased referrals being generated from child protection services, drug and alcohol services, and homeless program out reach.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	South Dakota will increase the percent of infants and toddlers birth to three served under Birth to 3 Connections to 2.85 percent.
<b>2006</b> (2006-2007)	South Dakota will increase the percent of infants and toddlers birth to three served under Birth to 3 Connections to 2.86 percent.
<b>2007</b> (2007-2008)	South Dakota will increase the percent of infants and toddlers birth to three served under Birth to 3 Connections to 2.87 percent.
<b>2008</b> (2008-2009)	South Dakota will increase the percent of infants and toddlers birth to three served under Birth to 3 Connections to 2.88 percent.
<b>2009</b> (2009-2010)	South Dakota will increase the percent of infants and toddlers birth to three served under Birth to 3 Connections to 2.89 percent.
<b>2010</b> (2010-2011)	South Dakota will increase the percent of infants and toddlers birth to three served under Birth to 3 Connections to 2.90 percent.

**Improvement Activities/Timelines/Resources:**

ACTIVITIES	RESOURCES	TIMELINES
Collect data on referral sources and identify gaps in outreach	<ul style="list-style-type: none"> <li>State B-3 staff</li> <li>Service Coordinators</li> </ul>	<ul style="list-style-type: none"> <li>July 1, 2005 -June 30, 2011</li> </ul>
Maintain current child find practices	<ul style="list-style-type: none"> <li>State B-3 staff</li> <li>Regional Service Coordinators</li> </ul>	<ul style="list-style-type: none"> <li>July 1, 2005 – June 30, 2011</li> </ul>
Provide training for service coordinators on methamphetamine (meth) issues. The following information was addressed child endangerment, signs and symptoms of meth use and making sure you are aware of your environment.	<ul style="list-style-type: none"> <li>Prairie View Prevention Services Meth Awareness &amp; Prevention Project – (MAP SD)</li> <li>Service Coordinators</li> </ul>	<ul style="list-style-type: none"> <li>October 2005</li> </ul>
Collaborate with Department of Social Services and Department of Human Services on procedure for referring children to the	<ul style="list-style-type: none"> <li>State B-3 Staff</li> <li>Department of</li> </ul>	<ul style="list-style-type: none"> <li>Fall 2005 - June 30,</li> </ul>

## SPP Template – Part C (3)

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State

Birth to 3 Connection Program	Human Services <ul style="list-style-type: none"><li>• Department of Social Services</li></ul>	2011
Review and update marketing materials and website for the Birth to 3 Connections program	<ul style="list-style-type: none"><li>• State staff</li><li>• Service Coordinators</li><li>• Interagency Coordinating Council</li></ul>	<ul style="list-style-type: none"><li>• Fall 2006 – June 30, 2011</li></ul>

**Part C State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Effective General Supervision Part C / Child Find**

**Indicator 7:** Percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent = [(# of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting was conducted within Part C's 45-day timeline) divided by the (# of eligible infants and toddlers evaluated and assessed)] times 100.

Account for untimely evaluations.

**Overview of Issue/Description of System or Process:**

Primary referral sources within the communities are educated about how to make a referral to the Birth to 3 Connections program. State agency personnel and local service coordinators utilize a variety of media and materials to disseminate accurate information about appropriate referrals. A statewide 800 number is disseminated to all referral sources as well as to the public in general. Each county has a service coordinator who receives referrals. The 45 day timeline begins when the referral is received. The service coordinator contacts the family within 5 days or less to visit about the program and set up a home visit. Often a screening is performed and the results discussed when the service coordinator is in the home. If the screening results indicate developmental concerns, the service coordinator explains eligibility, gets permission to evaluate, and arranges for the local school district to perform the evaluations. In the meantime possible dates for the IFSP meeting are discussed with all parties who need to be involved and a mutually agreeable date is set up no later than the 45<sup>th</sup> day from the date of referral. All pre and post IFSP documentation is maintained in the child's file in the office of the local service coordinator.

**Baseline Data for FFY 2004 (2004-2005)**

Monitoring results July 2004-July 2005	H.Land Nov. 2004	3 River April 2005	Hub Oct 2004
Infant and toddlers had an evaluation and assessment and an initial IFSP meeting with in 45 days of referral	100%	100%	100%

**Discussion of Baseline Data:**

100% of eligible infants and toddlers had an evaluation and assessment and an initial IFSP meeting within 45 days of referral.

Beginning July 2006, Birth to 3 Connections will monitor this indicator using state data system. The state data will be aligned with the waiver forms in order to determine any noncompliance as

necessary. Finding on noncompliance will be issued, corrective action plan will be developed and corrections will be resolved as soon as possible but no later than one year after identification of non compliance. Based on the monitoring process, from July 2004 to June 2005, of the three regional programs reviewed, there were no findings of noncompliance regarding the 45 day timeline. In the future South Dakota Birth to 3 Connections is planning to monitor this indicator through the State's Data System. Since June 2003, the Birth to 3 Connections Program Intake Form has included a line documenting the referral date. As of July 2005, the referral date has been documented on the front page of the initial IFSP, entered into the data system, and used as a part of the monitoring process. Timelines exceeded due to family related exceptional circumstances that make it impossible to complete the evaluations, assessments, and initial IFSP meetings within the 45 day timeline are documented on a form, signed by the parent, and kept in the child's file. There is no acceptable justification if the timeline is exceeded due to systems issues.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	<b>100% of eligible infants and toddlers will have an evaluation and assessment and an initial IFSP meeting within 45 days of referral.</b>
<b>2006</b> (2006-2007)	<b>100% of eligible infants and toddlers will have an evaluation and assessment and an initial IFSP meeting within 45 days of referral.</b>
<b>2007</b> (2007-2008)	<b>100% of eligible infants and toddlers will have an evaluation and assessment and an initial IFSP meeting within 45 days of referral.</b>
<b>2008</b> (2008-2009)	<b>100% of eligible infants and toddlers will have an evaluation and assessment and an initial IFSP meeting within 45 days of referral.</b>
<b>2009</b> (2009-2010)	<b>100% of eligible infants and toddlers will have an evaluation and assessment and an initial IFSP meeting within 45 days of referral.</b>
<b>2010</b> (2010-2011)	<b>100% of eligible infants and toddlers will have an evaluation and assessment and an initial IFSP meeting within 45 days of referral.</b>

**Improvement Activities/Timelines/Resources:**

<b>ACTIVITIES</b>	<b>RESOURCES</b>	<b>TIMELINES</b>
Revision of page 1 of the IFSP to include referral date and instructions for completion	<ul style="list-style-type: none"> <li>State B-3 staff</li> </ul>	<ul style="list-style-type: none"> <li>September 2005</li> </ul>
Generate a list of new IFSPs from July 1, 2005	<ul style="list-style-type: none"> <li>State B-3 staff</li> </ul>	<ul style="list-style-type: none"> <li>September</li> </ul>

## SPP Template – Part C (3)

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State

to capture the date of referral via service coordinator feedback	<ul style="list-style-type: none"> <li>Service Coordinators</li> </ul>	2005
Training of service coordinators and technical assistance regarding the addition of the referral date to the IFSP	<ul style="list-style-type: none"> <li>State B-3 staff</li> </ul>	<ul style="list-style-type: none"> <li>October 2005 through June 30, 2011</li> </ul>
Program referral date into data system	<ul style="list-style-type: none"> <li>State B-3 staff</li> <li>Bureau of Information and Telecommunications staff</li> </ul>	<ul style="list-style-type: none"> <li>December 2005</li> </ul>
Change monitoring system to use the additional element (referral date) for purposes of data verification and monitoring of the 45 day requirement.	<ul style="list-style-type: none"> <li>State B-3 staff</li> <li>Bureau of Information and Telecommunications staff</li> </ul>	<ul style="list-style-type: none"> <li>January 2006</li> </ul>
Conduct an annual desk audit of the 45 day timeline as a part of the state monitoring system.	<ul style="list-style-type: none"> <li>State B-3 staff</li> </ul>	<ul style="list-style-type: none"> <li>July 1, 2005- June 30, 2011</li> </ul>
Birth to 3 will monitor programs for compliance with this indicator. When noncompliance is identified, state Birth to 3 staff will work with program to determine nature of noncompliance, develop and implement Improvement Plan or Corrections Action.	<ul style="list-style-type: none"> <li>State B-3 staff</li> </ul>	<ul style="list-style-type: none"> <li>July 1, 2005- June 30, 2011</li> </ul>

**Part C State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Effective General Supervision Part C / Effective Transition**

**Indicator 8:** Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:

- A. IFSPs with transition steps and services;
- B. Notification to LEA, if child potentially eligible for Part B; and
- C. Transition conference, if child potentially eligible for Part B.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

- A. Percent = [(# of children exiting Part C who have an IFSP with transition steps and services) divided by the (# of children exiting Part C)] times 100.
- B. Percent = [(# of children exiting Part C and potentially eligible for Part B where notification to the LEA occurred) divided by the (# of children exiting Part C who were potentially eligible for Part B)] times 100.
- C. Percent = [(# of children exiting Part C and potentially eligible for Part B where the transition conference occurred) divided by the (# of children exiting Part C who were potentially eligible for Part B)] times 100.

**Overview of Issue/Description of System or Process:**

The lead agency for South Dakota's Part C program, also known as Birth to 3 Connections, and the lead agency for the preschool special education program has always been the Department of Education. South Dakota is unique in the fact that Local Education Agencies (LEAs) are responsible in evaluating all children, ages 0-21, in order to determine eligibility for Part C and B. In addition, Part B state eligibility rules include criteria called, "in need of prolonged assistance," which involves children ages 0 through 2. LEAs are responsible for service provision, along with financial, to those children meeting the definition of prolonged assistance. Part C Service Coordinators and LEAs work together throughout the IFSP process.

Service Coordinators assist families with all types of transitions at every IFSP meeting (examples; family moving, child needing to be in hospital, parent going to work and child is needing daycare etc.), including when their child will be reaching age 3. Transition planning conference meetings occur at least 90 days prior to the child's 3<sup>rd</sup> birthday, but not more than 9 months in advance. A LEA representative, along with various other program representatives (ex: Head Start, Preschool) attends the transition meeting. A formal referral (notification) to the LEA for Part B eligibility determination and services is made by the service coordinator prior to the child's 3<sup>rd</sup> birthday. The service coordinator continues any follow up transition activities with the family and attends IEP meetings at the family's request.

Birth to 3 Connections program contracts with nine regional programs to provide service coordination, the state staff monitors each of the regional programs on a 3-year cycle. State staff review transition files and look specifically at the following: transition steps prior to age 3 on the IFSP; referral (notification) to school district for evaluation, date the referral was made; and documentation of transition planning conference. For 04-05, three regional programs – Hub Area Birth to 3 Connections, Heartland Hands Birth to 3 Connections, and Three Rivers Birth to 3 Connections were monitored.

At the state level, transition surveys are sent to all families in South Dakota whose child was on an IFSP and turned 3. Survey results are collected and entered into the data system. The survey allows families opportunity to request a state staff person contact them should they have concerns regarding transition. State staff identifies which of the regional programs the survey comes from in order to provide technical assistance as needed.

#### Baseline Data for FFY 2003 (2003-2004):

July 1, 2003 – June 30, 2004	Easter Seals	SE	NW
A. Children exiting Part C have an IFSP with a transition plan including steps and services.	93.4%	100%	100%
B. Children exiting Part C who were potentially eligible for Part B were referred to the LEA.	100%	100%	100%
C. Transition conference occurring at least 90 days prior to the child's third birthday.	97.4%	100%	100%

#### Discussion of FFY 2003 Baseline Data:

In 2003-2004 Birth to 3 Connections monitored three regional programs. As a part of those visits, 30% of randomly selected records were reviewed to determine compliance with transition requirements.

Office of Special Education Programs (OSEPs) response to the 2003-2004 APR required the state to provide data and analysis indicating the status of compliance with the three transition requirements. Those data are provided above. One of the three regional programs was identified as having two transition findings on May 26, 2004. Corrective action was initiated and the corrective action plan including strategies required evidence of change, targets and timelines to achieve full compliance was completed and closed May 5, 2005.

#### Baseline Data for FFY 2004 (2004-2005):

July 1, 2004 – June 30, 2005	HUB	3 Rivers	HH
A. Children exiting Part C have an IFSP with a transition plan including steps and services.	100%	100%	100%
B. Children exiting Part C who were potentially eligible for Part B were referred to the LEA.	100%	100%	100%
C. Transition conference occurring at least 90 days prior to the child's third birthday.	100%	100%	100%



Table 1 - Family Survey – July 2004-June 2005

Questions	Yes	No	No Answer	Exit Earlier than 3
“I was a given a chance to be a part of the team making the decisions during my child’s transition”	142	0	4	4
“The people working with my child and family helped me to understand all of the options open to my child as we transitioned for the IFSP	138	4	4	3

**Discussion of FFY 2004 (2004-2005) Baseline Data:**

Monitoring data and family survey data indicate this is an area of strength. 100% of IFSPs meet transition requirements based on the data presented above. In addition, Table 1 shows the results of the family survey on the first questions showed a 95 percent agreed and the second question 92 percent agreed. This finding supports the data found in monitoring data (Table 1)

Continued monitoring will occur for the 9 regional programs. In addition, starting July 2005, the IFSP transition page and IFSP review page will include documentation of the transition meeting date and referral to LEA date to allow for these data to be included in the state data system.

In summary, South Dakota has an effective transition system from Part C to Part B for children.

FFY	Measurable and Rigorous Target		
2005 (2005-2006)	A. 100% IFSPs with transition steps and services	B. 100% Notification to LEA, if child potentially eligible for Part B	C. 100% Transition conference, if child potentially eligible for Part B
2006 (2006-2007)	A. 100% IFSPs with transition steps and services	B. 100% Notification to LEA, if child potentially eligible for Part B	C. 100% Transition conference, if child potentially eligible for Part B
2007 (2007-2008)	A. 100% IFSPs with transition steps and services	B. 100% Notification to LEA, if child potentially eligible for Part B	C. 100% Transition conference, if child potentially eligible for Part B
2008	A. 100% IFSPs with transition steps and	B. 100% Notification to LEA, if child potentially	C. 100% Transition conference, if child

(2008-2009)	services	eligible for Part B	potentially eligible for Part B
<b>2009</b> (2009-2010)	<b>A. 100% IFSPs with transition steps and services</b>	<b>B. 100% Notification to LEA, if child potentially eligible for Part B</b>	<b>C. 100% Transition conference, if child potentially eligible for Part B</b>
<b>2010</b> (2010-2011)	<b>A. 100% IFSPs with transition steps and services</b>	<b>B. 100% Notification to LEA, if child potentially eligible for Part B</b>	<b>C. 100% Transition conference, if child potentially eligible for Part B</b>

**Improvement Activities/Timelines/Resources:**

ACTIVITIES	RESOURCES	TIMELINES
Revise the IFSP to incorporate additional transition planning.	<ul style="list-style-type: none"> <li>State B-3 staff</li> </ul>	<ul style="list-style-type: none"> <li>Jan 06</li> </ul>
Train service coordinators regarding the use of the updated IFSP transition and review pages.	<ul style="list-style-type: none"> <li>State B-3 staff</li> </ul>	<ul style="list-style-type: none"> <li>Jan 06</li> </ul>
Continue current practice of reviewing transition documentation on IFSPs.	<ul style="list-style-type: none"> <li>State B-3 staff</li> </ul>	<ul style="list-style-type: none"> <li>July 1, 2005- June 30, 2011</li> </ul>
Continue current level of technical assistance to service coordinators.	<ul style="list-style-type: none"> <li>State B-3 staff</li> </ul>	<ul style="list-style-type: none"> <li>July 1, 2005 - June 30, 2011</li> </ul>
Collaborate with the 619 Coordinator quarterly to coordinate information to improve transition for children and families.	<ul style="list-style-type: none"> <li>State B-3 staff</li> <li>Part B – 619 Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Nov 2005- June 30, 2011</li> </ul>
Collaborate with the 619 Coordinator to identify areas, districts and providers that need state technical assistance and/or training on transition.	<ul style="list-style-type: none"> <li>State B-3 staff</li> <li>Part B - 619 Coordinator</li> </ul>	<ul style="list-style-type: none"> <li>Jan 2006 - June 30, 2011</li> </ul>

**Part C State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 9:** General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

For any noncompliance not corrected within one year of identification, describe what actions, including technical assistance and/or enforcement that the State has taken.

**Overview of Issue/Description of System or Process:**

The Department of Education is responsible for the general administration, supervision of programs and activities receiving assistance, the monitoring of programs and activities used by the state to carry out Part C to ensure statewide compliance.

The Birth to 3 Connections uses regulations from Part C of the Individual with Disabilities Education Act (IDEA) to appropriately administer the program. The following is an overview of the components of the State's general supervision system:

1. Collaborating with agencies, institutions, organizations and Interagency Coordinating Council used in the state to carry out the Birth to 3 Connections program;
2. Providing technical assistance, if necessary, to those agencies, institutions, organizations and Interagency Coordinating Councils;
3. Staff certification and licensure are reviewed by the service coordinators and state staff.
4. Parent surveys are given to all parents that were involved in the early intervention program over the past year. The responses are discussed at the state and local level and decisions are made as to what action/if any needs to be taken.
5. Each IFSP and completed Payor of Last Resort (PLR) form is reviewed by the Birth to 3 Connections state office staff to assure that state and federal regulations and guidelines are met before information is entered in the SD Data System.
6. Regional programs are reviewed every three years by the State. Monitoring is completed for all 13 regional areas on a three-year-cycle. This process includes early intervention record review of 30% of the files randomly selected; interviews with parents, local service providers; and review of parent survey data based on a survey sent from the state office to families that receive services in that regional area. The findings are compiled into a final report with a corrective actions plan with required timelines for correction. Technical assistance is provided to the applicant areas to ensure closures of corrective action plan.

7. Early intervention providers sign a provider agreement to abide by all Federal and State laws and regulations which include requirements related to serving children in natural environments.
8. South Dakota Part C has a software/billing system which provides data for the Birth to 3 Connections program to meet the OSEP federal requirements. Data are encoded from each IFSP, PLR, survey, exiting data etc. on each child and provider within the Part C system. All completed IFSPs (initial and reviewed) are submitted to the state by the service coordinator within 30 days of the IFSP meeting. State staff reviews the IFSP to verify accuracy and completeness. State staff follow-up with the service coordinator if inaccuracies are found. Upon completion of this process, data are entered into the state Birth to Three data system. In addition, the data system includes built-in error pop-ups as part of data verification. Necessary corrections are made as a result of this process.
9. In order to ensure correction of all noncompliance when a regional program has received such findings, the Birth to 3 Connection program: a) State monitoring team identifies areas of noncompliance to ensure consistency with the requirement of Individual with Disabilities Education Act. b) State identifies steps and required evidence of changes the regional applicant area must implement to correct the noncompliance; c) Regional applicant area submits activities they will use to reach compliance. d) Regional applicant area update progress reports toward corrections. e) State ensures correction of noncompliance within one year of the identification of the noncompliance.
10. The lead agency (Department of Education), Birth to 3 Connections program has divided the state into thirteen regions which include 66 counties. Every three years a Request for Proposal (RFP) is open for interested organizations to provide Birth to 3 Connections services. The local applicants must submit an application on an annual basis. Review and approval of local applicants is completed by the state office. Midyear and final status and expenditure reports are also submitted to the state office.
11. All regional areas are renewed on an annually bases Birth to 3 Connections program makes decision each year based on applicants adherence to requirements.
12. Birth to 3 Connections program incorporates findings from all dispute resolution processes into the general supervision.
13. The Birth to 3 Connections uses the website <http://doe.sd.gov/oess/Birthto3/index.asp> for public awareness and reporting of information on the program

**Baseline Data for FFY 2004 (2004-2005):****Table 1**

Area	Number of findings made 7/03-6/04	Number of findings corrected 7/04-6/05
<b>General Supervision – Prior Notice/Consent to Evaluate</b>	1	1
<b>Early Childhood Transition – Transition Planning</b>	2	2
<b>Early Intervention Services in Natural Environments – Content of IFSP</b>	2	2
<b>Early Intervention Services in Natural Environments – Development, review, and evaluation of the IFSP – 45 day timeline</b>	1	1

# SPP Template – Part C (3)

South Dakota  
State

<b>Early Intervention Services in Natural Environments</b> –Service not delivered at the frequency and intensity listed on the IFSP	3	3
<b>Early Intervention Services in Natural Environments</b> – Participants at IFSP meetings	1	1
<b>Comprehensive Child Find</b> – Results of screening	3	3
<b>Comprehensive Child Find</b> – Evaluation and assessment & eligibility	2	2

**Table 2 – Indicator 9 A and B**

	A.a. # of findings in priority areas	A.b. # of corrections completed	% of corrections completed in one year	B.a. # of finding in areas not included n priorities	B.b. # of corrections completed
7/03-6/04	15	15	100%	0	0

**Table 3 – Indicator 9C**

	C.a. # of programs cited	C.b. # of findings	C.c. # of corrections completed
7/03-6/04	0	0	0

## Discussion of Baseline Data:

The above table #1 illustrates there were fifteen findings of noncompliance made in the priority areas during July 2003 to June 2004 (Indicator 9Aa). During the period July 2004 to June 2005, all fifteen findings that were identified were corrected within one year (Indicator 9Ab). There were no findings of noncompliance related to areas not included in the above monitoring priority areas (Indicator 9B) or through other mechanisms (such as complaints, due process hearings, mediations etc.)(Indicator 9C).

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	<b>100% of general supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</b>
<b>2006</b> (2006-2007)	<b>100% of general supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</b>

## SPP Template – Part C (3)

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<b>2007</b> (2007-2008)	<b>100% of general supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</b>
<b>2008</b> (2008-2009)	<b>100% of general supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</b>
<b>2009</b> (2009-2010)	<b>100% of general supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</b>
<b>2010</b> (2010-2011)	<b>100% of general supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</b>

**Part C State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 10:** Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(1.1(b) + 1.1(c)) divided by 1.1] times 100.

**Overview of Issue/Description of System or Process:**

The Part C, Birth to 3 Connections program uses the following procedures to respond to administrative complaint filed for resolution. These procedures will be revised accordance with the Part C final regulations.

A complaint is written signed statement, by an individual or organization including an individual or organization from another state containing a statement that the Birth to 3 Connections Program or its subgrantee has violated a requirement of federal or state statues or regulations that apply to a program and a statement of facts on which the complaint is based. The complaint must allege a violation that occurred not more than one year before the complaint is received by the Office of Educational Services and Support, unless, a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more then three years before the date the complaint is received by the Office of Educational Services and Support.

Complaints received by the Department of Education could concern violations by (a) any public agency in the state that receives funds under Part C, (b) other public agencies that are involved in the state's early intervention program; or (c) private service providers that receive funds pursuant to State Administrative Rules under a contract from a public agency to carry out a given function or to provide a given service required under Part C.

**Organization Structure for Resolving Complaints:**

If the complaint is against a subgrantee, the following steps shall be taken:

1. The State Part C Coordinator shall appoint a complaint investigation team from the department's Birth to 3 Connections Program staff. The team may conduct an on-site investigation if it determines that one in necessary;
2. The complaint team shall give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
3. The complaint team shall make a recommendation to the State Part C Coordinator;
4. After reviewing all relevant information, the State Part C Coordinator shall determine whether the complaint is valid, what corrective action is necessary to resolve the complaint, and the time limit during which corrective action is to be completed. The State Part C Coordinator shall submit a written report of the final decision to all parties involved.

5. The written report shall address each allegation in the complaint, contain findings of fact and conclusion, and include reasons for the final decision;
6. If corrective action is not completed within the time limit set, including technical assistance and negotiations, the Office of Educational Services and Support shall withhold all federal funds applicable to the program until compliance with the applicable federal and state statutes and rules is demonstrated by the subgrantee.
7. Documentation supporting the corrective actions taken by the subgrantee shall be maintained by the department's Birth to 3 Connections Program and incorporated into the state's monitoring process.

All complaints must be resolved within sixty (60) calendar days after receipt of the complaint by the State Birth to 3 Connections Program Coordinator. The time limit of 60 days may be extended only under exceptional circumstances as determined by the State Birth to 3 Connection Program Coordinator, such as the need for additional time to provide necessary information. An extension of time may not exceed 30 days in any one instance.

If a written complaint is received that is also the subject of a due process hearing, or contains multiple issues, of which one or more are part of that hearing, the State Birth to 3 Connections Program must set aside any part of the complaint that is being addressed in the due process hearing, until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit and procedures described in this section.

If an issue is raised in a complaint filed under this section that has previously been decided in a due process hearing involving the same parties:

1. The hearing decision is binding; and
2. The State Birth to 3 Connections Program must inform the complainant to that effect.

A complaint alleging a Birth to 3 Connections Program failure to implement a due process hearing decision must be resolved by the Birth to 3 Connections Program.

#### **Baseline Data for FFY 2004 (2004-2005):**

There were no complaints filed in 2004 - 2005.

#### **Discussion of Baseline Data:**

Whenever a complaint is filed Birth to 3 Connections Program uses the procedures above to resolve the issues.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	<b>100 percent of signed written complaints with reports issued will resolved within 60-day timeline.</b>
<b>2006</b> (2006-2007)	<b>100 percent of signed written complaints with reports issued will resolved within 60-day timeline.</b>
<b>2007</b> (2007-2008)	<b>100 percent of signed written complaints with reports issued will resolved within 60-day timeline.</b>



<b>2008</b> (2008-2009)	<b>100 percent of signed written complaints with reports issued will resolved within 60-day timeline.</b>
<b>2009</b> (2009-2010)	<b>100 percent of signed written complaints with reports issued will resolved within 60-day timeline.</b>
<b>2010</b> (2010-2011)	<b>100 percent of signed written complaints with reports issued will resolved within 60-day timeline.</b>

**Improvement Activities/Timelines/Resources:**

<b>Activities</b>	<b>Resources</b>	<b>Timelines</b>
South Dakota State Education Agency (SEA) staff will review all procedures for conducting complaint investigations. Training and technical assistance is provided to ensure complaint investigators follow the procedural requirements under IDEA.	<ul style="list-style-type: none"> <li>State staff- Complaint investigation</li> <li>Mountain Plain Regional Resource Center (MPRRC) staff consultation</li> </ul>	<ul style="list-style-type: none"> <li>July 1, 2005 – June 30, 2011</li> </ul>
A protocol will be maintained by SEA to ensure timelines and procedures are followed for complaint resolutions.	<ul style="list-style-type: none"> <li>State staff</li> </ul>	<ul style="list-style-type: none"> <li>July 1, 2005 – June 30, 2011</li> </ul>
The state agency will contract with a regional resource center in the development of a system of complaint investigators who will contract with the state agency to facilitate complaint investigations.	<ul style="list-style-type: none"> <li>State staff</li> <li>MPRRC staff consultation</li> </ul>	<ul style="list-style-type: none"> <li>July 1, 2005 – June 30, 2011</li> </ul>
Update Special Education Programs (SEP) complaint investigation manual on website and disseminate on the website.	<ul style="list-style-type: none"> <li>State staff</li> <li>MPRRC</li> <li>South Dakota Parent Connections</li> </ul>	<ul style="list-style-type: none"> <li>July 1, 2005 – June 30, 2011</li> </ul>
Service Coordinator's Training and technical assistance to assist with the parent rights	<ul style="list-style-type: none"> <li>MPRRC staff</li> <li>State staff</li> </ul>	<ul style="list-style-type: none"> <li>Fall 2006 – June 30, 2011</li> </ul>
Service Provider Training on	<ul style="list-style-type: none"> <li>MPRRC staff</li> </ul>	<ul style="list-style-type: none"> <li>Fall 2006 – June 30,</li> </ul>

## SPP Template – Part C (3)

South Dakota \_\_\_\_\_  
State

parent rights	<ul style="list-style-type: none"><li>• State staff</li></ul>	2011
Check for ideas on tracking system for recording issues Pursue feasibility of developing a tracking system for recording resolution of informal issues that are addressed so formal resolution is not necessary.	<ul style="list-style-type: none"><li>• State staff</li><li>• South Dakota Parent Connection</li><li>• New Jersey's Part C</li><li>• State Staff</li></ul>	<ul style="list-style-type: none"><li>• Fall 2006</li></ul>

**Part C State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 11:** Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent =  $[(3.2(a) + 3.2(b)) \text{ divided by } 3.2] \text{ times } 100$ .

**Overview of Issue/Description of System or Process:**

South Dakota data reflects that the general supervision procedures for due process hearings identify and correct noncompliance in a timely manner. The limited number of hearings also indicates the state uses the system effectively to ensure the provision of appropriate services to students in need of special education. Birth to 3 Connections program, Part C follows Part B procedures for effective general supervision.

The Part C, Birth to 3 Connections program uses the following procedures to respond to administrating due process hearing requests that were fully adjudicated within the applicable timeline. These procedures will be revised in accordance with Part B and C final regulations.

**Due Process Complaint Notice**

The Birth to 3 Connections program must have procedures that require party, parent or Birth to 3 Connections program, or the attorney representing a party, to provide to the other party a due process complaint (which must remain confidential).

The party filing a due process complaint must forward a copy of the due process complaint to the State Birth to 3 Connections program.

The due process complaint notice must include:

1. The name of the child;
2. The address of the residence of the child;
3. The name of the Birth to 3 Connections program the child is serving;
4. In the case of a homeless child (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), available contact information for the child, and the name of the Birth to 3 Connections program the child is serving;
5. A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
6. A proposed resolution of the problem to the extent known and available to the party at the time.

The State Birth to 3 Connections program has developed a model form to assist parents in filing a compliant and due process complaint notice.

A party, parent or Birth to 3 Connections program, may not have a hearing on a due process complaint or engage in a resolution session until the party, or the attorney representing the party, files a due process complaint that meets the requirements of this section.

The due process complaint required by this section must be deemed sufficient unless the party, parent or Birth to 3 Connections program, receiving the due process complaint notifies the hearing officer and the other party in writing, within 15 days of receipt of the due process complaint, that the receiving party believes the due process complaint does not meet the requirements of this section.

Within five days of receipt of the above notification, the hearing officer must make a determination on the face of the due process complaint of whether the due process complaint meets the requirements of this section, and must immediately notify the parties in writing of that determination.

A party may amend its due process complaint only if:

1. The other party consents in writing to the amendment and is given the opportunity to resolve the due process complaint through a resolution session; or
2. The hearing officer grants permission, except that the hearing officer may only grant permission to amend at any time not later than five days before the due process hearing begins.

The applicable timeline for a due process hearing shall recommence at the time the party files an amended notice, including the timeline for a resolution session.

If the Birth to 3 Connections program has not sent a prior written notice under Part C of IDEA to the parent regarding the subject matter contained in the parent's due process complaint, the Birth to 3 Connections program must, within 10 days of receiving the due process complaint, send to the parent a response that includes:

1. An explanation of why the Birth to 3 Connections program proposed or refused to take the action raised in the due process complaint;
2. A description of other options that the IFSP Team considered and the reasons why those options were rejected;
3. A description of each evaluation procedure, assessment, record, or report the Birth to 3 Connections program used as the basis for the proposed or refused action; and
4. A description of the other factors that are relevant to the Birth to 3 Connections program's proposed or refused action.

A response by a Birth to 3 Connections program under this section shall not be construed to preclude the Birth to 3 Connections program from asserting that the parent's due process complaint was insufficient, where appropriate.

Except as provided above, the party receiving a due process complaint must, within 10 days of receiving the due process complaint, send to the other party a response that specifically addresses the issues raised in the due process complaint.

### **Impartial Due Process Hearings**

The parent or the Birth to 3 Connections program may initiate a hearing on any matters relating to the identification, evaluation or placement provision of appropriate of early intervention services to the child.

The party, parent or Birth to 3 Connections, requesting the due process hearing may not raise issues at the due process hearing that were not raised in the due process complaint unless the other party agrees otherwise.

When a hearing is initiated, the Birth to 3 Connections program shall inform you of the availability of mediation. *Mediation is a confidential process.* If you are requesting a hearing or request information on any free or low-cost legal services, the Birth to 3 Connections program shall inform you of it and any other relevant services available in the area.

A parent or Birth to 3 Connections program must request an impartial hearing on their due process complaint within two years of the date the parent or Birth to 3 Connections program knew or should have known about the alleged action that forms the basis of the due process complaint, or if the State has an explicit time limitation for requesting such a due process hearing under IDEA, in the time allowed by State law.

The timeline described above does not apply to a parent if the parent was prevented from filing a due process complaint due to:

1. Specific misrepresentations by the Birth to 3 Connections program that it had resolved the problem forming the basis of the due process complaint; or
2. The Birth to 3 Connections program's withholding of information from the parent that was required under Part C of IDEA to be provided to the parent.

At a minimum, a hearing officer:

1. Must not be:
  - a. An employee of the State Department of Education or the Birth to 3 Connections program that is involved in the provision of early intervention services or care of the child; or
  - b. A person having a personal or professional interest that conflicts with the person's objectivity in the hearing;
2. Must possess knowledge of, and the ability to understand, the provisions of IDEA, Federal and State regulations pertaining to IDEA, and legal interpretations of IDEA by Federal and State courts;
3. Must possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and
4. Must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.

A person who otherwise qualifies to conduct a hearing under this section is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer. The State Birth to 3 Connections program shall keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

Any party to a hearing has the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
2. Present evidence and confront cross-examine, and compel the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 business days before the hearing;
4. Obtain a written, or, at the option of the parents, electronic, verbatim record of the hearing; and
5. Obtain written, or, at the option of the parents, electronic findings of fact and decisions.

At least 5 business days prior to a hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

A hearing officer may bar any party that fails to comply with the disclosure requirements of this section from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

As a parent involved in the hearings, they have the right to:

1. Have the child who is the subject of the hearing present; and
2. Have the hearing open to the public.

Subject to this section, a hearing officer must make a decision on substantive grounds based on a determination of whether the child received appropriate early intervention services.

In matters alleging a procedural violation, a hearing officer may find that a child did not receive appropriate early intervention services only if the procedural inadequacies:

1. Impeded the child's right to appropriate early intervention services;
2. Significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of appropriate early intervention services to the parents' child; or
3. Caused a deprivation of *developmental benefit*.

Nothing in this section shall be construed to preclude a hearing officer from ordering a program to comply with procedural requirements in this document.

Nothing in this section shall be construed to preclude a parent from filing a separate due process complaint on an issue separate from a due process complaint already filed.

The record of the hearing and the findings of fact and decisions must be provided at no cost.

The State Birth to 3 Connections program, after deleting any personally identifiable information, shall transmit the findings and decisions to the State Interagency Coordinating Council, and make those findings and decisions available to the public.

A decision made in a hearing is final, except that any party involved in the hearing may appeal the decision through civil action.

The State Birth to 3 Connections program shall ensure that not later than 45 days after the expiration of the 30 day period regarding a resolution session:

1. A final decision is reached in the hearing; and
2. A copy of the decision is mailed to each of the parties.

**Baseline Data for FFY 2004 (2004-2005):**

There have not been any requests for due process hearings filed in the Birth to 3 Connections program.

**Discussion of Baseline Data:**

South Dakota has a history of limited due process hearings in Part B and none in Part C. This is due to a strong commitment to resolution of issues and parent concerns before formal dispute resolution is necessary. The Part C state staff and service coordinators collaborate closely to make sure families understand their parent rights and to resolve issues that arise in a timely manner and families may at any time request formal dispute resolution.

FFY	Measurable and Rigorous Target
<b>2005</b> (2005-2006)	<b>100 percent of fully adjudicated due process hearing requests were fully adjudicated within the applicable timeline.</b>
<b>2006</b> (2006-2007)	<b>100 percent of fully adjudicated due process hearing requests were fully adjudicated within the applicable timeline.</b>
<b>2007</b> (2007-2008)	<b>100 percent of fully adjudicated due process hearing requests were fully adjudicated within the applicable timeline.</b>
<b>2008</b> (2008-2009)	<b>100 percent of fully adjudicated due process hearing requests were fully adjudicated within the applicable timeline.</b>
<b>2009</b> (2009-2010)	<b>100 percent of fully adjudicated due process hearing requests were fully adjudicated within the applicable timeline.</b>
<b>2010</b> (2010-2011)	<b>100 percent of fully adjudicated due process hearing requests were fully adjudicated within the applicable timeline.</b>

**Improvement Activities/Timelines/Resources:**

Activities	Resources	Timelines
The state will monitor its hearing process and timelines to ensure maintenance of 100% adjudication.	<ul style="list-style-type: none"> <li>State staff</li> <li>Legal counsel for the department</li> <li>Office of Hearing Examiners</li> </ul>	<ul style="list-style-type: none"> <li>July 1, 2005 – June 30, 2011</li> </ul>
Update Administrative Rules for South Dakota concerning due process hearings and resolution sessions when final federal regulations are complete.	<ul style="list-style-type: none"> <li>State staff</li> <li>Legal Consultant</li> <li>Advisory Panel</li> <li>Legislative Research Council</li> </ul>	<ul style="list-style-type: none"> <li>Fall 2006</li> </ul>
Provide training for legal assistant for the department concerning the update regulations.	<ul style="list-style-type: none"> <li>State staff</li> <li>Legal Consultant for DOE</li> <li>MPRRC</li> </ul>	<ul style="list-style-type: none"> <li>Fall 2006</li> </ul>

## SPP Template – Part C (3)

South Dakota  
State

Joint training for State staff and parents on procedural safeguards	<ul style="list-style-type: none"><li>• State staff</li><li>• Legal Counsel for DOE</li><li>• MPRRC</li><li>• South Dakota Parent Connection</li></ul>	<ul style="list-style-type: none"><li>• Winter 2006</li></ul>
Conduct update for Part C for hearing officers	<ul style="list-style-type: none"><li>• MPRRC staff</li><li>• State Staff</li></ul>	<ul style="list-style-type: none"><li>• Fall 2006 – June 30, 2011</li></ul>
Service Coordinator's Training to assist with the parent rights	<ul style="list-style-type: none"><li>• MPRRC staff</li><li>• State staff</li></ul>	<ul style="list-style-type: none"><li>• Fall 2006 – June 30, 2011</li></ul>
Update parent's rights video	<ul style="list-style-type: none"><li>• MPRRC staff</li><li>• State staff</li></ul>	<ul style="list-style-type: none"><li>• Fall 2006</li></ul>



**Part C State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 12:** Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

Percent = (3.1(a) divided by 3.1) times 100.

**Overview of Issue/Description of System or Process:**

South Dakota has a system in place to track hearing requests, timelines and outcomes. As a new requirement of IDEA 2004, South Dakota's procedure addressing hearing requests will require the due process procedures to be revised to include resolution sessions. The South Dakota Department of Education will modify its current process for requesting hearings to include resolution sessions once the federal Part B regulation are finalized. The resolution sessions are required unless the parent and the Birth to 3 Connections program agree to waive the session or go to mediation.

A resolution session provides the Birth to 3 Connections program with an opportunity to resolve a parent's complaint without going through an impartial due process hearing.

Within 15 days of receiving notice of the parents' due process complaint, and prior to the opportunity for a due process hearing, the Birth to 3 Connections program must convene a meeting with the parents and the relevant member or members of the IFSP Team who have specific knowledge of the facts identified in the due process complaint that:

1. Includes a representative of the Birth to 3 Connections program who has decision-making authority on behalf of the Birth to 3 Connections program; and
2. May not include an attorney of the Birth to 3 Connections program unless the parent is accompanied by an attorney.

The purpose of the meeting is for the parents of the child to discuss their due process complaint, and the facts that form the basis of the due process complaint, so that the Birth to 3 Connections program has the opportunity to resolve the complaint.

The meeting described above need not be held if:

1. The parents and the Birth to 3 Connections program agree in writing to waive the meeting; or
2. The parents and the Birth to 3 Connections program agree to use the mediation process described in this document.

If the Birth to 3 Connections program has not resolved the due process complaint to the satisfaction of the parents within 30 days of the receipt of the due process complaint, the due process hearing must occur and all applicable timelines for a due process hearing shall commence.

Except where the parties have jointly agreed to waive the resolution process or to use mediation, the failure of a parent filing a due process complaint to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held.

If a resolution to the dispute is reached at the meeting described above, the parent and Birth to 3 Connections program must execute a legally binding agreement that is:

1. Signed by both the parent and a representative of the agency who has the authority to bind the Birth to 3 Connections program; and
2. Enforceable in any State court of competent jurisdiction or in a district court of the United States.

If the parent and Birth to 3 Connections program execute an agreement, either may void the agreement within 3 business days of the agreement's execution.

#### **Baseline Data for FFY 2004 (2004-2005):**

Baseline data will be gathered in 2005-2006 and will include the number of hearing requests resolved at resolution session, number of hearing requests not resolved at resolution but resolved at mediation, number of hearing requests not resolved at resolution with mediation waived. The state monitoring system will monitor to determine if the procedure is being followed and within the required timelines.

#### **Discussion of Baseline Data:**

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	<b>Target to be set February 2007</b>
<b>2006</b> (2006-2007)	<b><i>75% of hearing request will be resolved through resolution session settlement agreement.</i></b>
<b>2007</b> (2007-2008)	<b><i>78% of hearing request will be resolved through resolution session settlement agreement.</i></b>
<b>2008</b> (2008-2009)	<b><i>80% of hearing request will be resolved through resolution session settlement agreement.</i></b>
<b>2009</b> (2009-2010)	<b><i>82% of hearing request will be resolved through resolution session settlement agreement.</i></b>
<b>2010</b> (2010-2011)	<b><i>84% of hearing request will be resolved through resolution session settlement agreement.</i></b>

**Improvement Activities/Timelines/Resources:**

Activities, timelines and resources will be developed after 2007 targets have been set.

**Improvement Activities/Timelines/Resources:**

<b>Activities</b>	<b>Resources</b>	<b>Timelines</b>
<i>South Dakota tracks resolution sessions to ensure timelines and procedures are followed.</i>	<ul style="list-style-type: none"> <li>• State office</li> </ul>	<ul style="list-style-type: none"> <li>• July 1, 2005 – June 30, 2011</li> </ul>
<i>Training for state office, service coordinators, schools contacts on resolution session.</i>	<ul style="list-style-type: none"> <li>• Consortium for Appropriate Dispute Resolution in Special Education (CADRE)</li> <li>• Parent Connections</li> </ul>	<ul style="list-style-type: none"> <li>• Scheduled for September 2006 (and on going to June 30, 2011)</li> <li>• Scheduled for Fall Service Coordinator Training</li> </ul>
<i>Revise Part C Parent Right information,</i>	<ul style="list-style-type: none"> <li>• MPRRC staff</li> <li>• Consultant</li> <li>• State Staff</li> </ul>	<ul style="list-style-type: none"> <li>• Completed (but will be revising depending on the Part C regulations)</li> </ul>

**Part C State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 13:** Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:** Percent = [(2.1(a)(i) + 2.1(b)(i)) divided by 2.1] times 100.

**Overview of Issue/Description of System or Process: Add Part B description**

Birth to 3 Connections program follows Part B procedures for mediation. These procedures will be revised in accordance with the final Part B and C regulations.

South Dakota has a system in place for voluntary mediation, available at all levels of disputes and may be waived by either party.

South Dakota data reflects the general supervision procedures for mediation. Trained staff gives priority to meeting the deadlines. The limited number of mediations indicates the state uses the system effectively to ensure the provision of appropriate services to children in need of early intervention services.

The State shall ensure that procedures are established and implemented to allow parties to disputes involved in the proposal to initiate or change the identification, evaluation or placement of the child or the provision of appropriate early intervention services to the child, including matters that arise prior to the filing of a due process hearing, to resolve the disputes through a mediation process.

The mediation procedures must ensure that participation is voluntary on the part of the parties. Mediation may not be used to deny or delay the parent's right to a due process hearing or to deny any other rights afforded under Part C of the Act. It must be conducted by a qualified and impartial mediator who is trained in effective mediation techniques. Mediators are selected on a random basis.

The State Birth to 3 Connections program shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of early intervention services. An individual who serves as a mediator may not be an employee of the Birth to 3 Connections program providing services to the child. They must not have a personal or professional conflict of interest. The State will bear the cost of the mediation process. A person who otherwise qualifies as a mediator is not an employee of a Birth to 3 Connection program solely because he or she is paid by the State Birth to 3 Connections program to serve as a mediator.

Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute. An agreement reached by the parties to the dispute in the mediation must be set forth in a written mediation agreement.

Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings. The parties to the mediation process may be required to sign a confidentiality pledge prior to the beginning of the process.

If the parties resolve a dispute through the mediation process, the parties must execute a legally binding agreement that sets forth that resolution and that:

1. States that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding arising from that dispute; and
2. Is signed by both the parent and a representative of the Birth to 3 Connections program who has the authority to bind such district.

A written, signed mediation agreement under this section is enforceable in any State court of competent jurisdiction or in a district court of the United States.

If you choose not to use the mediation process, the Birth to 3 Connections program providing services to the child may establish procedures to offer you and to the Birth to 3 Connections program an opportunity to meet, at a time and location convenient to you, with a disinterested party, to encourage the use and explain the benefits of the mediation process to you. This party may be under contract with a parent training and information center, community parent resource center established in the state or with an appropriate alternative dispute resolution entity.

**Baseline Data for FFY 2004 (2004-2005):** There were no requests for hearings.

**Discussion of Baseline Data:**

South Dakota has a history of limited due process hearings and mediations in Part B and none in Part C. This is due to a strong commitment to resolution of issues and parent concerns before formal dispute resolution is necessary. The Part C state staff and service coordinators collaborate closely to make sure families understand their parent rights and to resolve issues that arise in a timely manner and families may at any time request formal dispute resolution.

<b>FFY</b>	<b>Measurable and Rigorous Target</b>
<b>2005</b> (2005-2006)	<b>No target necessary when state has less then 10 mediations</b>
<b>2006</b> (2006-2007)	<b>No target necessary when state has less then 10 mediations</b>
<b>2007</b> (2007-2008)	<b>No target necessary when state has less then 10 mediations</b>
<b>2008</b> (2008-2009)	<b>No target necessary when state has less then 10 mediations</b>
<b>2009</b> (2009-2010)	<b>No target necessary when state has less then 10 mediations</b>
<b>2010</b> (2010-2011)	<b>No target necessary when state has less then 10 mediations</b>

## SPP Template – Part C (3)

South Dakota  
State

### Improvement Activities/Timelines/Resources:

Activities	Resources	Timelines
South Dakota tracks mediations to ensure timelines and procedures are followed.	<ul style="list-style-type: none"><li>• Mediation training for State staff</li><li>• Legal counsel for the State staff</li><li>• Office of Hearing Examiners</li></ul>	<ul style="list-style-type: none"><li>• July 1, 2005 – June 30, 2011</li></ul>
Revise Part C Parent Right Booklet	<ul style="list-style-type: none"><li>• MPRRC staff</li><li>• Consultant</li><li>• State Staff</li></ul>	<ul style="list-style-type: none"><li>• Fall 2005</li></ul>
Revise Parent Rights video	<ul style="list-style-type: none"><li>• State staff</li><li>• MPRRC staff</li><li>• South Dakota Parent Connection</li></ul>	<ul style="list-style-type: none"><li>• Fall 2006</li></ul>

**Part C State Performance Plan (SPP) for 2005-2010****Overview of the State Performance Plan Development:**

See page 1 of the State Performance Plan.

*(The following items are to be completed for each monitoring priority/indicator.)*

**Monitoring Priority: Effective General Supervision Part C / General Supervision**

**Indicator 14:** State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B) and 1442)

**Measurement:**

State reported data, including 618 data, State performance plan, and annual performance reports, are:

- a. Submitted on or before due dates (February 1 for child count, including race and ethnicity, settings and November 1 for exiting, personnel, dispute resolution); and
- b. Accurate (describe mechanisms for ensuring error free, consistent, valid and reliable data and evidence that these standards are met).

**Overview of Issue/Description of System or Process:**

South Dakota Part C has a software/billing system which provides data for the Birth to 3 Connections program and to meet the OSEP federal requirements. Data are encoded from each IFSP, PLR, survey, exiting data etc. on each child and provider within the Part C system.

All completed IFSPs (initial and reviewed) are submitted to the state by the service coordinator within 30 days of the IFSP meeting. State staff reviews the IFSP to verify accuracy and completeness. State staff follows up with the service coordinator if inaccuracies are found. Upon completion of this process, data are entered into the state Birth to Three data system. In addition, the data system includes built-in error pop-ups as part of data verification. *A child count report is generated and sent to each service coordinator for verification. The report is signed off by each service coordinator. Necessary corrections are made as a result of this process. The Birth to 3 Connections service coordinators and state staff verifies the child count data each year to ensure accurate data.*

**Baseline Data for FFY 2004 (2004-2005)**

All required 618 and APR data are confirmed as accurate and submitted on or before due dates.

**Discussion of Baseline Data:**

Data submitted are verified by State Part C staff. The computer software system also ensures data are accurate before accepting the data into the system.

FFY	Measurable and Rigorous Target	
<b>2005</b> (2005-2006)	<b>100% of the state reported data (618, SPP, APR) are timely.</b>	<b>100% of the state reported data (618, SPP, APR) are accurate.</b>
<b>2006</b> (2006-2007)	<b>100% of the state reported data (618, SPP, APR) are timely.</b>	<b>100% of the state reported data (618, SPP, APR) are accurate.</b>
<b>2007</b> (2007-2008)	<b>100% of the state reported data (618, SPP, APR) are timely.</b>	<b>100% of the state reported data (618, SPP, APR) are accurate.</b>
<b>2008</b> (2008-2009)	<b>100% of the state reported data (618, SPP, APR) are timely.</b>	<b>100% of the state reported data (618, SPP, APR) are accurate.</b>
<b>2009</b> (2009-2010)	<b>100% of the state reported data (618, SPP, APR) are timely.</b>	<b>100% of the state reported data (618, SPP, APR) are accurate.</b>
<b>2010</b> (2010-2011)	<b>100% of the state reported data (618, SPP, APR) are timely.</b>	<b>100% of the state reported data (618, SPP, APR) are accurate.</b>

**Improvement Activities/Timelines/Resources:**

Improvement Activities	Resources	Timelines
Training for data manager	<ul style="list-style-type: none"> <li>Westat Data Manger Conference</li> </ul>	<ul style="list-style-type: none"> <li>August 2005 – June 30, 2011</li> </ul>
Decisions will be made regarding plans for additions to the data system	<ul style="list-style-type: none"> <li>State staff</li> <li>Bureau of Information and Telecommunications staff</li> </ul>	<ul style="list-style-type: none"> <li>December 2005</li> </ul>
Changes will be made to the data system	<ul style="list-style-type: none"> <li>State staff</li> <li>Bureau of Information and Telecommunications staff</li> </ul>	<ul style="list-style-type: none"> <li>January 2006</li> </ul>
<i>Report Child Count data February 1<sup>st</sup> of each year</i>	<ul style="list-style-type: none"> <li>State staff</li> </ul>	<ul style="list-style-type: none"> <li>2005-2011</li> </ul>



## SPP Template – Part C (3)

South Dakota  
State

<i>Exiting and dispute resolution data will be reported November 1<sup>st</sup> of each year.</i>	<ul style="list-style-type: none"><li>• State staff</li></ul>	<ul style="list-style-type: none"><li>• 2006-2011</li></ul>
Quarterly meeting with Bureau of Information and Telecommunications staff regarding the data software and data reports.	<ul style="list-style-type: none"><li>• State staff</li><li>• Bureau of Information and Telecommunications staff</li></ul>	<ul style="list-style-type: none"><li>• Dec. 2005 – June 30, 2011</li></ul>